IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND THREE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO. 5682 of 2003

Between:

1 P.Sridhar son of P. Gopal
H.No.7-1-180, Ameerpet, Backside of Sikh Gurudwara ,Hyderabad
2 Maqdoom Hussain son of Maqdoom Hussain
H.No. 7-1-150, Ameerpet, Hyderabad-16
3 Sarjeet Singh son of Balwant Singh
7-1-124, Ameerpet, Hyderabad
4 S.Keval Singh son of Ram Singh
7-1-100 Ameerpet, Hyderabad-16
5 S.Sanjeev Reddy son of S.Ram Reddy
7-1-105 Ameerpet, Hyderabad-16

..... PETITIONERS

AND

1 The Commissioner , Municipal Corporation of Hyderabad
Near Tank Bund, Hyderabad
2 The Dist. Collector, Hyderabad Dist
Hyderabad
3 The Mandal Revenue Officer
Ameerpet Mandal , Hyderabad Dist
4 The Secretary to the Govt of A.P, Municipal Administration Dept.,
Secretary , Hyderabad

5 B.Mallesh Yadav son of
7-1-159, Ameerpet,Village, Hyderabad.
Hyderabad Dist
6 The Secretary Metro water Supply and Sewerage Board
Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus: calling for remarks and records from the respondents herein in and connected to the illegal constructions, encroaching the entire foot-path and a public bore-well to an extent of
78-18 square metres of Government land, being made by one B.Mallesh Yadav. R/o Ameerpet Village, Hyderabad and inaction of the concerned authorities in protecting the said land in spite of the proceedings initiated by the Mandal Revenue Officer, against B.Mallesh Yadav and to pass appropriate orders directing the concerned authorities to protect the said land from the encroachment.

Counsel for the Petitioner : Sri B.VIJAYSEN REDDY

Counsel for the Respondents: G.P. FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for Respondent No.5: Sri Vilas V.Afzulpurkar

The Court made the following :

HCJ & MNR,J

W.P.No.5682 of 2003

ORAL ORDER: (Per Hon'ble the Chief Justice)

A complaint was received from five persons residing at Ameerpet, Hyderabad, which was treated as taken up matter. Allegation was that the District Collector,

Hyderabad, had addressed a letter to the Commissioner, Municipal Corporation of Hyderabad, to protect the Government land from encroachment alleged to have been made by B.Mallesh Yadav, who had started raising construction. After notice, counter-affidavit has been filed only by fifth respondent B.Mallesh Yadav stating that the writ petitioner appears to have made allegations against him that he had grabbed the Government land in an extent of 78-18 square metres in T.S.No.34 and 2, Block No.H & E, Ameerpet village, Hyderabad, and on that basis, notice appears to have been issued by the Court. It is stated that respondent No.5 purchased the house from Smt. Bejgam Varalaxmi and her sons vide registered sale deed dated 28-05-1998 and vacant and separate possession was handedover to him and only a small portion of the house was in possession of one Satyanarayan Chandak, who was paying rent to his vendor, and the said person also vacated the premises after property was purchased by respondent No.5. The entire house was in dilapidated condition and was demolished, and thereafter, respondent No.5 obtained permission and commenced construction. It is further stated that Satyanarayan Chandak and his brothers had been harassing him by filing civil suits, revision petitions etc., and the four petitioners have neither any personal interest nor concerned with the property. Respondent No.5 in his affidavit has given the basis of his title and tried to say that the property has been in continuous occupation of his predecessor for the last more than 50 years.

Insofar as the present petition is concerned, it was registered as taken up petition on the basis of complaint of inaction on the part of the Government. In view of the counter-affidavit filed by respondent No.5, petition would not require any further order to be passed by us inasmuch as there appears to be some private disputes sought to be resolved in the background of taken up petition. Construction has already been raised by

5th respondent and we have to close the writ petition without any further direction in the matter saying that such like proceedings need not be taken up either as public interest litigation or as taken up petition. In case a person has any grievance against the occupation of the property by 5th respondent, it will be for him to take out appropriate proceedings in accordance with procedure established in law.

Writ Petition is closed.

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DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY, J

07-02-2005

bsc

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner , Municipal Corporation of Hyderabad
Near Tank Bund, Hyderabad

2 The Dist. Collector, Hyderabad Dist
Hyderabad
3 The Mandal Revenue Officer
Ameerpet Mandal , Hyderabad Dist
4 The Secretary to the Govt of A.P, Municipal Administration Dept.,
Secretary , Hyderabad
5 The Secretary Metro water Supply and Sewerage Board
Hyderabad

6 1 CC to MR.VILAS V.AFZULPURKAR, Advocate (OUT)

7. 2 CCs to Govt. Pleader for Municipal Admn. and Rural Development, High Court buildings, Hyderabad (OUT).